

Message Text

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17

ACTION EA-09

INFO OCT-01 ISO-00 AID-05 EB-07 COME-00 TRSE-00 L-03

CIAE-00 INR-07 NSAE-00 IGA-01 DHA-02 ORM-01 IO-10

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R 190510Z AUG 75

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 5082

AMEMBASSY BANGKOK

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DEPT FOR EA/LC

ALSO PASS AID FOR EA/L AND SER/CM/ROD/EA

BANGKOK FOR CLAPP, USOM/RLO

E.O. 11652: N/A

TAGS: EAID, LA, US

SUBJ: USAID/LAOS CONTRACT AID-439-CS-012 WITH MANLEY ENTERPRISES

REF: A) BANGKOK 16951

B) STATE 187898

C) VIENTIANE 5156

1. REFS A AND B ARE HELPFUL INSOFAR AS THEY DEAL WITH TWO ASPECTS OF PROBLEM: TERMINATION OF CONTRACT AND MANLEY'S FORTHCOMING CLAIM FOR REIMBURSEMENT.

2. NEITHER MESSAGE, HOWEVER, TOUCHES MOST PRESSING PART OF PROBLEM (REF C AND PREVIOUS): HOW TO GET BAGS OFF MANLEY'S HANDS WITH MINIMUM RISK OF COMPROMISING HIM IN EYES OF PGNU AS A "USAID CONTRACTOR." NEWS ITEM CARRIED IN LAO-LANGUAGE DAILY VIENTIANE POST AUGUST 16 ADDS TO URGENCY OF DISPOSAL; IT QUOTES HEAD OF SUB-DIRECTORATE OF LIMITED OFFICIAL USE

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INDUSTRY, MINECON AND PLAN, AS STATING THAT HE

CHAIRS A NEW "INVESTIGATION AND CONTROL COMMITTEE FOR INDUSTRY AND HANDICRAFTS" WHICH HAS BEGUN SERIES OF VISITS TO DIFFERENT FACTORIES AND WORKSHOPS IN VIENTIANE (PRIMARILY IN SEARCH OF THOSE WHOSE PROPRIETORS AND STOCKHOLDERS HAVE FLED COUNTRY; ANY SUCH ESTABLISHMENTS WILL BE PLACED UNDER CONTROL OF MINECON PENDING DISPOSITION BY MINISTRY OF JUSTICE). SUCH VISIT COULD EASILY TURN UP THE LARGE QUANTITY OF JUTE BAGS STORED AT KM 10 PLANT IN WHICH MANLEY HAS AN INTEREST.

3. IN THESE CIRCUMSTANCES, WE BELIEVE IT WOULD BE MOST UNWISE FOR EMBASSY SIMPLY TO "INSTRUCT MANLEY TO TRANSFER BAGS TO PGNU," AS PROPOSED REF B. RATHER, WE INTEND TO NOTIFY PGNU BY NOTE VERBALE THAT BAGS ARE USAID PROJECT-FUNDED MATERIALS, JUST LOCATED, AND MAY BE PICKED UP BY PGNU AT ITS CONVENIENCE FROM GIVEN LOCATION. WE WILL NOT RPT NOT MENTION MANLEY'S NAME OR HIS PRINCIPAL FIRM. WE WILL CONDUCT DISCREET VISUAL CHECK IF POSSIBLE AND WILL ASK MANLEY FOR OTHER DATA (REF A, PARA 3), BUT WILL OPERATE IN SUCH A WAY AS TO SPARE HIM ANY IDENTIFICATION WITH BAGS IF AT ALL POSSIBLE. SIGNED RECEIPT BY PGNU OFFICIAL, UNLESS TO EMBASSY, WOULD APPEAR TO BE OUT OF THE QUESTION.

4. WE ASSUME ALL ADDRESSEES REALIZE THAT SUCH ACTION MAY WELL STRENGTHEN MANLEY'S CLAIM FOR REIMBURSEMENT, IN THAT USG HERETOFORE HAS FORMALLY CLAIMED OWNERSHIP OF BAGS ONLY FOR PURPOSE OF ENTERING THEM THROUGH LAO CUSTOMS FREE OF DUTY, AND USOM/RLO HAS IN OTHER CONTEXTS IMPLIED BAGS NOT ACTUALLY "ACQUIRED" BY USG UNTIL SUCH TIME AS CONTRACT SERVICES (REBAGGING OF RICE FOR REFUGEES) WOULD HAVE BEEN PERFORMED AND/OR UNTIL MANLEY HAS BEEN PAID FOR THEM. (ISSUE OF OWNERSHIP WAS RAISED IN REF C BUT NOT EXPLICITLY ANSWERED IN REF A OR REF B).

5. MANLEY DEPARTED VIENTIANE AUGUST 18 FOR A FEW DAYS IN THAILAND. WE INTEND TO FOLLOW COURSE OF ACTION SET FORTH PARA 3 ABOVE AS SOON AS HE RETURNS, SUBJECT LIMITED OFFICIAL USE

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TO HIS APPROVAL AND AFTER A CHECK WITH UNHCR TO DETERMINE WHETHER THAT ORGANIZATION COULD BE OF ASSISTANCE IN TRANSPORTING BAGS (WHICH WOULD STILL BE DESTINED FOR PGNU) AND THUS FURTHER INSULATING MANLEY.

6. FOR CM/ROD/EA: MANLEY RECEIVED YOUR TERMINATION LETTER AUGUST 18.

7. FOR BANGKOK, USOM/RLO: MANLEY MAY RPT MAY CONTACT YOU WHILE HE IS IN BANGKOK THIS WEEK. HE WONDERS PARTICULARLY WHETHER HIS LETTERS TO FORMER CHARGE CHAPMAN IN AND OF THEMSELVES CONSTITUTE CLAIM FOR REIMBURSEMENT OR WHETHER THERE IS SOME SPECIAL FORM HE SHOULD USE. (HE IS AWARE OF ADVISABILITY OF SUBMITTING SINGAPORE INVOICES TO SUPPORT THOSE FROM IMMEDIATE SUPPLIER IN NONG KHAL.)

8. FOR ALL WASHINGTON ADDRESSEES: FSO ROBERT P. MYERS, JR., CITED IN VIENTIANE 5123 AS KNOWLEDGEABLE OF CASE, IS NOW ON DUTY IN S/CCT AND WOULD, WE ARE CERTAIN, BE GLAD TO CONSULT ON IT.
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